IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE THIRTIETH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 24866 of 2004

Between:

Inala Bhaskar Rao, S/o. Veeracharyulu,
R/o. Avanigadda, Krishna District.

..... PETITIONER

AND

1 Director General Of Police, Police Head Quarters, Hyderabad.
2 Sub-Inspector of Police, Avanigadda Police Station, Avanigadda,

Krishna District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to call for the records and issue a writ or order or direction more particularly one in the nature of Writ of Mandamus and declare the action of the 2nd respondent in harassing the petitioner by interfering with the life and liberty of the petitioner is illegal, arbitrary and violative of Article 14 and 21 of the Constitution of India apart from being violation of the principles of Natural Justice and consequently direct the 2nd respondent not to harass the petitioner without there being any crime registered against the petitioner.

Counsel for the Petitioner: MR.VENKATA RANGADAS KANURI

Counsel for the Respondents: GP FOR HOME

The Court at the admission stage made the following ORDER:

Petitioner alleges that the respondents, in particular the Station House Officer concerned are requiring him to attend the police station indiscriminately and harassing him day-in and day-out. It is also alleged that no complaints have been filed against him, much less any case was registered. He seeks appropriate directions for protection of his rights and liberty.

Heard learned counsel for the petitioner and learned Government Pleader for Home.

The police authorities are vested with the power as well as the duty to protect the law & order in the society and to investigate into the complaints whenever they are received or as and when any crime is noticed by themselves. Any action against the citizen by the police can be on the basis of a complaint received against him and after registration of the case. There does not exist any basis for indiscriminate interference with the rights and liberty of citizens, in the absence of any specific complaint or registered case. Such action would amount to infringement of the fundamental rights guaranteed under Article 21 of the Constitution of India. The petitioner alleges that even in the absence of any complaint and case registered against him, he is being required by the police to attend the police station.

Hence, the writ petition is disposed of directing that the respondents shall not insist on the petitioner to attend the police station or to interfere with his rights, except where any specific complaint is received or any case is registered against him. There shall be no order as to costs.

30.12.2004

ksld

To

1 Director General Of Police, Police Head Quarters, Hyderabad.
2 Sub-Inspector of Police, Avanigadda Police Station, Avanigadda, Krishna

District.

3 2CCs to the G.P.for Home, High Court Buildings, Hyderabad. (OUT)

4 2 CD copies.